



U.S. Department of Justice

United States Attorney
Southern District of New York

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One Saint Andrew's Plaza
New York, New York 10007

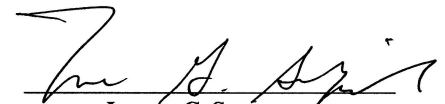
February 23, 2023

BY ECF

The Honorable Lorna G. Schofield
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Application Granted. The parties shall file a joint status letter on **April 13, 2023**. The Clerk of the Court is directed to terminate the letter motion at docket number 27.

Dated: February 27, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: **United States v. Kelvin Marte**, 18 Cr. 789 (LGS)

Dear Judge Schofield:


The parties submit this joint letter in response to the Court's docket note, dated January 9, 2023, requesting an update on the above referenced violations of supervised release conditions as well as the defendant's compliance. ([Dkt. 26](#)).

With regard to the defendant's compliance, the Probation Department ("Probation") has informed the Government that Probation expects to file an amended memorandum (the "Amended Memo") that will include new allegations about additional violations of supervised release which reflect the defendant's continued non-compliance. Probation has informed that Government that it expects that the Amended Memo will include allegations that the defendant has (i) traveled outside the jurisdiction without permission; (ii) tested positive for fentanyl on at least two occasions; and (iii) failed to report to Probation for a drug test on at least one occasion.

Because the parties have not yet received the Amended Memo, the parties are unable to set forth a current position as to a potential disposition in this case. However, at this stage, the parties do not believe that an evidentiary hearing will be necessary and expect to have a substantive update for the Court in the next 30-to-45 days.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: 
Ashley C. Nicolas
Assistant United States Attorney

cc: Christopher A. Flood, Esq. (counsel for Kelvin Marte)
Officer Noah Joseph, Probation Department (by email)